

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA |) | No. 16-CR-10320 GAO (DHH) |
| |) | |
| v. |) | |
| |) | |
| (1) JESSE GILLIS, |) | |
| |) | |
| (2) JAMES GIANNETTA, |) | |
| |) | |
| (3) CHRISTOPHER HALFOND, |) | |
| |) | |
| (4) MATTHEW METZ, |) | |
| |) | |
| (5) STEVEN BEADLES, |) | |
| |) | |
| (6) RUSSELL ORMISTON, |) | |
| |) | |
| (7) JORGE GRANDON, |) | |
| |) | |
| (8) MARIO CASTRO, |) | |
| |) | |
| (9) JEFFREY CARLO, |) | |
| |) | |
| (10) BRUCE REISMAN, and |) | |
| |) | |
| (11) DANIEL PONCE, |) | |
| |) | |
| Defendants. |) | |

JOINT SUBMISSION OF THE PARTIES UNDER LOCAL RULE 116.5(b)

Pursuant to Local Rule 116.5(b), the Government and the defendants jointly submit this status report to advise the Court in advance of the Interim Status Conference set for June 26, 2017.

As an initial matter, the government advises that the last remaining defendant, Christopher Halfond, has been arrested in San Diego, California. He has appeared before a Magistrate Judge in San Diego, California, and is currently en route to the District of Massachusetts.

I. Status of Automatic Discovery

Automatic discovery has been provided by the government. The parties have engaged in

informal discovery discussions and some defendants have requested additional discovery. The parties believe they can resolve these matters without the need for motions.

II. Additional Discovery and the Timing of Additional Discovery Requests

Additional discovery has been provided to the defense in response to specific discovery requests. In addition, the investigation is ongoing, and as additional materials become available they are being provided to the defense. CJA counsel are coordinating on review of discovery and are conferring to identify matters which can be consolidated, so as to minimize repetition of effort and reduce expenditure of CJA funds. Although the defense has been working diligently to review the discovery, the materials are voluminous and a majority of the defendants are not yet ready to set a date by which additional discovery requests must be made upon the government and request that the Court set that date at the next status conference. The government also anticipates that counsel for defendant Halfond will require additional time before being ready to set a date for discovery requests.

III. Protective Orders

The parties have not yet identified the need for protective orders. Should issues arise warranting protective orders the parties will submit the appropriate requests to the Court.

IV. Timing of Pretrial Motions

The defense is in the process of reviewing the discovery, which is voluminous and includes Title III interceptions, thousands of pages of investigative reports, evidence seized pursuant to search warrants (including evidence recovered from electronic devices), and a large amount of financial records. Although the Court asked that the parties provide an estimate of when we believe the case can be returned to the District Court, the defense needs some additional time to complete its review of the discovery and to meet and confer regarding the potential pretrial

motions. This process will necessarily be impacted by the addition of defendant Halfond to the proceedings, who will need time to review discovery and to confer with counsel for the other defendants regarding discovery review, potential motions, and defense strategy. The parties request that the Court hold an additional Interim Status Conference and that the Court wait until that time to set dates for the filing of pretrial motions.

V. Timing of Expert Witness Disclosures

The parties are continuing to discuss the timing of expert witness disclosures. As no trial date has yet been set, the parties request that they be allowed additional time to discuss the matter and that a date expert witness disclosure be set at the next Status Conference.

VI. Defenses of Insanity, Public Authority, or Alibi

No defendant has noticed an insanity, public authority, or alibi defense.

VII. Periods of Excludable Delay under the Speedy Trial Act

The parties agree that to date there have been no non-excludable days under the Speedy Trial Act. In order to provide time for the defense to review discovery, to confer regarding defense strategy and possible defense motions, and to confer with government counsel about possible pretrial resolutions, the parties jointly request that the time between June 26, 2017, and the date of the next Interim Status Conference be excluded under the Speedy Trial Act. The parties request that the Court find that the ends of justice served by the granting of such a continuance outweigh the best interests of the public and the defendant in a speedy trial, in that the failure to grant the continuance would unreasonably deny the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, *see* 18 U.S.C. § 3161(h)(7)(B).

VIII. Status of Plea Discussions

The government has engaged in plea discussions with a number of defendants, and has reached tentative agreement with some. The parties will begin scheduling Rule 11 hearings before the District Court shortly. Should the remaining defendants proceed to trial, the parties believe that the case could be tried within 14 court days.

IX. Timing of Second Interim Status Conference

In light of the volume of material to be reviewed, the fact that defendant Giannetta's attorney has only recently joined the case, and the complexity of the case, and the difficulties that necessarily arise in coordinating meetings and schedules, the parties request that the Court schedule an additional Interim Status Conference. Government counsel is preparing to begin trial before Judge O'Toole which was originally scheduled to commence the second week of June, but which was continued to July 17, 2017, at the request of the defense in that matter. Government counsel anticipates that trial will take two weeks. In order to accommodate the government's and the defendants' schedules, the parties request that the Court schedule the Interim Status Conference no earlier than the week of September 11, 2017.

DATED: June 19, 2017

WILLIAM D. WEINREB
Acting United States Attorney

By: /s/ Karen D. Beausey
Karen D. Beausey
Assistant U.S. Attorney

DATED: June 19, 2017

Jesse Gillis
By his attorney:

/s/ Charles P. McGinty, Esq.
Charles P. McGinty, Esq.
Assistant Federal Public Defender

DATED: June 19, 2017

James Giannetta
By his attorney:

/s/ Joan M. Griffin, Esq.
Joan M. Griffin, Esq.
Attorney at Law

DATED: June 19, 2017

Matthew Metz
By his attorney:

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By his attorney:

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DATED: June 19, 2017

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By his attorney:

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Locke Lord LLP

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

DATED: June 19, 2017

/s/ Karen D. Beausey
Karen D. Beausey
Assistant U.S. Attorney